

Calendar No. 238116TH CONGRESS
1ST SESSION**S. 1838**

To amend the Hong Kong Policy Act of 1992, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. RUBIO (for himself, Mr. CARDIN, Mr. RISCH, Mr. MENENDEZ, Mr. HAWLEY, Mr. KING, Mr. MARKEY, Mr. COTTON, Mr. CRAMER, Mr. TOOMEY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. COLLINS, Mr. COONS, Mr. WHITEHOUSE, Mr. CORNYN, Mr. WICKER, Mr. WARNER, Mr. MERKLEY, Mr. YOUNG, Mr. WYDEN, Mrs. SHAHEEN, and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

SEPTEMBER 26, 2019

Reported by Mr. RISCH, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Hong Kong Policy Act of 1992, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Hong Kong Human Rights and Democracy Act of
 4 2019”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Statement of policy.
- Sec. 4. Amendments to the United States-Hong Kong Policy Act of 1992.
- Sec. 5. Annual report on enforcement of United States export control and sanctions laws by Hong Kong.
- Sec. 6. Protecting United States citizens and others from rendition to mainland China.
- Sec. 7. Identification of persons responsible for abductions and for other actions to suppress basic freedoms in Hong Kong.
- Sec. 8. Inadmissibility of certain aliens and family members.
- Sec. 9. Financial measures.
- Sec. 10. Reports to Congress.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ADMITTED; ALIEN.**—The terms “admitted”
 10 and “alien” have the meanings given those terms in
 11 section 101 of the Immigration and Nationality Act
 12 (8 U.S.C. 1101).

13 (2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

14 (A) the Committee on Armed Services of
 15 the Senate;

16 (B) the Committee on Banking, Housing,
 17 and Urban Affairs of the Senate;

1 (C) the Committee on Foreign Relations of
2 the Senate;

3 (D) the Committee on Homeland Security
4 and Governmental Affairs of the Senate;

5 (E) the Committee on the Judiciary of the
6 Senate;

7 (F) the Committee on Armed Services of
8 the House of Representatives;

9 (G) the Committee on Financial Services
10 of the House of Representatives;

11 (H) the Committee on Foreign Affairs of
12 the House of Representatives;

13 (I) the Committee on Homeland Security
14 of the House of Representatives; and

15 (J) the Committee on the Judiciary of the
16 House of Representatives.

17 (3) CHINA.—The term “China” means the Peo-
18 ple’s Republic of China.

19 (4) FINANCIAL INSTITUTION.—The term “fi-
20 nancial institution” has the meaning given that term
21 in section 5312 of title 31, United States Code.

22 (5) SOCIAL CREDIT SYSTEM.—The term “social
23 credit system” means a system proposed by the Gov-
24 ernment of China, scheduled to be implemented by
25 2020, that would aggregate data on every Chinese

1 citizen and business from existing financial credit
 2 systems, mass surveillance, public records, online ac-
 3 tivity, and artificial intelligence to expand the notion
 4 of a financial credit score, potentially rewarding or
 5 punishing certain financial, social, religious, or polit-
 6 ical behaviors.

7 (6) UNITED STATES PERSON.—The term
 8 “United States person” means—

9 (A) a United States citizen or an alien law-
 10 fully admitted for permanent residence to the
 11 United States; or

12 (B) an entity organized under the laws of
 13 the United States or of any jurisdiction within
 14 the United States, including a foreign branch of
 15 such an entity.

16 **SEC. 3. STATEMENT OF POLICY.**

17 It is the policy of the United States—

18 (1) to reaffirm the principles and objectives set
 19 forth in the United States-Hong Kong Policy Act of
 20 1992 (Public Law 102-383), namely that—

21 (A) the United States has “a strong inter-
 22 est in the continued vitality, prosperity, and
 23 stability of Hong Kong”;

1 (B) “[s]upport for democratization is a
2 fundamental principle of United States foreign
3 policy”;

4 (C) “the human rights of the people of
5 Hong Kong are of great importance to the
6 United States and are directly relevant to
7 United States interests in Hong Kong [and]
8 serve as a basis for Hong Kong’s continued eco-
9 nomic prosperity”; and

10 (D) Hong Kong must remain sufficiently
11 autonomous from the People’s Republic of
12 China to justify a different treatment under a
13 particular law of the United States, or any pro-
14 vision thereof, from that accorded the People’s
15 Republic of China;

16 (2) to support the democratic aspirations of the
17 people of Hong Kong, as guaranteed to them by the
18 Joint Declaration of the Government of the United
19 Kingdom of Great Britain and Northern Ireland and
20 the Government of the People’s Republic of China
21 on the Question of Hong Kong, done at Beijing De-
22 cember 19, 1984 (referred to in this Act as the
23 “Joint Declaration”), the International Covenant on
24 Civil and Political Rights, done at New York Decem-
25 ber 19, 1966, the Universal Declaration of Human

1 Rights, done at Paris December 10, 1948, and the
2 Basic Law of the Hong Kong Special Administrative
3 Region of the People's Republic of China (referred
4 to in this Act as the "Basic Law");

5 (3) to urge the Government of the People's Re-
6 public of China to uphold its commitments to Hong
7 Kong, including allowing the people of Hong Kong
8 to rule Hong Kong with a high degree of autonomy
9 and without undue interference, and ensuring that
10 Hong Kong voters freely enjoy the right to elect the
11 Chief Executive and all members of the Hong Kong
12 Legislative Council by universal suffrage;

13 (4) to support the establishment of a genuine
14 democratic option to freely and fairly nominate and
15 elect the Chief Executive of Hong Kong, and the es-
16 tablishment by 2020 of open and direct democratic
17 elections for all members of the Hong Kong Legisla-
18 tive Council;

19 (5) to support the robust exercise by residents
20 of Hong Kong of the rights to free speech and the
21 press as guaranteed to them by the Basic Law and
22 the Joint Declaration;

23 (6) to ensure that all residents of Hong Kong
24 are afforded freedom from arbitrary or unlawful ar-

1 rest, detention, or imprisonment as guaranteed to
2 them by the Basic Law and the Joint Declaration;

3 (7) to draw international attention to any viola-
4 tions by the Government of the People's Republic of
5 China of the fundamental rights of residents of
6 Hong Kong and any encroachment upon the auton-
7 omy guaranteed to Hong Kong by the Basic Law
8 and the Joint Declaration;

9 (8) to protect United States citizens and long-
10 term permanent residents living in Hong Kong and
11 those visiting and transiting through Hong Kong;
12 and

13 (9) to maintain the economic and cultural ties
14 that provide significant benefits to the United States
15 and Hong Kong.

16 **SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG**
17 **POLICY ACT OF 1992.**

18 (a) REPORT.—Title II of the United States-Hong
19 Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is
20 amended—

21 (1) in section 201(b), by inserting “or after”
22 after “entered into before”; and

23 (2) adding at the end the following:

1 **“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE**
2 **AUTONOMY OF HONG KONG.**

3 “(a) REPORT.—

4 “(1) IN GENERAL.—The Secretary of State
5 shall annually certify to Congress, in conjunction
6 with the report required under section 301, whether
7 Hong Kong is sufficiently autonomous to justify spe-
8 cial treatment by the United States for bilateral
9 agreements and programs, in accordance with this
10 Act, including the degree to which Hong Kong’s au-
11 tonomy has been eroded due to actions taken by the
12 Government of China that are inconsistent with its
13 commitments in the Basic Law and the Joint Dec-
14 laration and the impact of such erosion on specific
15 areas of cooperation with the United States, includ-
16 ing on political rights, civil liberties, rule of law,
17 freedom of information, religious freedom, and
18 democratic governance in Hong Kong.

19 “(2) FACTOR FOR CONSIDERATION.—In making
20 a certification under paragraph (1), the Secretary of
21 State should consider the terms, obligations, and ex-
22 pectations expressed in the Joint Declaration with
23 respect to Hong Kong.

24 “(b) WAIVER AUTHORITY.—The Secretary of State
25 may waive the application of subsection (a) if the Sec-
26 retary—

1 “(1) determines that such a waiver is in the na-
2 tional security interests of the United States; and

3 “(2) on or before the date on which the waiver
4 takes effect, notifies the Committee on Foreign Re-
5 lations of the Senate and the Committee on Foreign
6 Affairs of the House of Representatives of the intent
7 to waive such subsection.”.

8 (b) VISA APPLICANTS.—Title II of the United States-
9 Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.);
10 as amended by subsection (a), is further amended by add-
11 ing at the end the following:

12 **“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR**
13 **VISAS TO STUDY OR WORK IN THE UNITED**
14 **STATES.**

15 “(a) STATEMENT OF POLICY.—Notwithstanding any
16 other provision of law, applications for visas to enter,
17 study, or work in the United States, which are submitted
18 by otherwise qualified applicants who resided in Hong
19 Kong in 2014, shall not be denied on the basis of the ap-
20 plicant’s arrest, detention, or other adverse government
21 action taken as a result of the applicant’s participation
22 in nonviolent protest activities related to the electoral
23 process, internationally recognized human rights, pro-
24 tecting an independent judiciary, or the rule of law.

1 “(b) IMPLEMENTATION.—The Secretary of State
2 shall take such steps as may be necessary to ensure that
3 consular officers are aware of the policy described in sub-
4 section (a) and receive appropriate training and support
5 to ensure that the policy is carried out so that affected
6 individuals do not face discrimination or unnecessary
7 delay in the processing of their visa applications, includ-
8 ing—

9 “(1) providing specialized training for consular
10 officers posted to Hong Kong, Beijing, Guangzhou,
11 or Macau;

12 “(2) instructing the United States Consulate in
13 Hong Kong to maintain an active list of individuals
14 whom are known to have been detained, arrested, or
15 otherwise targeted by the Government of Hong
16 Kong or of China, or intermediaries of such govern-
17 ments, as a result of their participation in the 2014
18 protests, to facilitate the cross-checking of visa ap-
19 plications for Hong Kong residents;

20 “(3) amending the physical and online versions
21 of the visa application, as necessary, to notify rel-
22 evant applicants of such policy; and

23 “(4) instructing personnel at the United States
24 Consulate in Hong Kong to engage with relevant in-
25 dividuals in the Hong Kong community to

1 proactively inform them that they will not face dis-
2 crimination when applying for a visa to the United
3 States due to any adverse action taken against them
4 by the authorities as a result of their participation
5 in the 2014 protests or other peaceful pro-democracy
6 or human rights demonstrations.

7 “(e) COOPERATION WITH LIKE-MINDED COUN-
8 TRIES.—The Secretary of State, or his or her designee,
9 shall contact appropriate representatives of other demo-
10 cratic countries, particularly those who receive a large
11 number of applicants for student and employment visas
12 from Hong Kong—

13 “(1) to inform them of the United States policy
14 regarding arrests for participation in nonviolent pro-
15 tests in Hong Kong;

16 “(2) to encourage them to take similar steps to
17 ensure the rights of nonviolent protesters are pro-
18 tected from discrimination due to the actions of the
19 Government of Hong Kong and of China; and

20 “(3) to offer to share information, as appro-
21 priate, regarding the execution of such policy, in-
22 cluding information regarding persons eligible for re-
23 lief under such policy.”

1 **SEC. 5. ANNUAL REPORT ON ENFORCEMENT OF UNITED**
2 **STATES EXPORT CONTROL AND SANCTIONS**
3 **LAWS BY HONG KONG.**

4 (a) **IN GENERAL.**—Not later than 180 days after the
5 date of the enactment of this Act, and annually thereafter,
6 the Secretary of Commerce, in consultation with the Sec-
7 retary of the Treasury and the Secretary of State, shall
8 submit a report to the committees specified in subsection

9 (b) that includes—

10 (1) an assessment of whether the Government
11 of Hong Kong has adequately enforced the export
12 control laws of the United States with respect to
13 sensitive dual-use items;

14 (2) to the extent possible, an identification of—

15 (A) any items that were reexported from
16 Hong Kong in violation of such laws;

17 (B) the countries and persons to which
18 such items were reexported; and

19 (C) how such items were used;

20 (3) an assessment of whether sensitive dual-use
21 items subject to the export control laws of the
22 United States are being—

23 (A) transshipped through Hong Kong; and

24 (B) used to develop—

25 (i) the Sharp Eyes, Skynet, Inte-
26 grated Joint Operations Platform, or other

1 systems of mass surveillance and predictive
2 policing; or

3 (ii) the “social credit” system of
4 China;

5 (4) an assessment of the efforts by the Govern-
6 ment of China to use the status of Hong Kong as
7 a separate customs territory to import items into
8 China in violation of the export control laws of the
9 United States; whether as part of the Greater Bay
10 Area plan; the assignment of Hong Kong by Beijing
11 as a national technology and innovation center; or
12 through other programs that may exploit Hong
13 Kong as a conduit for controlled sensitive tech-
14 nology;

15 (5) an assessment of whether the Government
16 of Hong Kong has adequately enforced sanctions im-
17 posed by the United States and the United Nations;
18 and

19 (6) a description of the types of goods and serv-
20 ices transshipped or reexported through Hong Kong
21 in violation of such sanctions to—

22 (A) North Korea or Iran; or

23 (B) other countries, regimes, or persons
24 subject to such sanctions for engaging in activi-
25 ties—

1 (i) relating to international terrorism;
2 international narcotics trafficking, or the
3 proliferation of weapons of mass destruc-
4 tion; or

5 (ii) that otherwise present a threat to
6 the national security, foreign policy, or
7 economy of the United States.

8 (b) COMMITTEES SPECIFIED.—The committees spec-
9 ified in this subsection are—

10 (1) the Committee on Foreign Relations of the
11 Senate;

12 (2) the Committee on Banking, Housing, and
13 Urban Affairs of the Senate;

14 (3) the Committee on Commerce, Science, and
15 Transportation of the Senate;

16 (4) the Committee on Foreign Affairs of the
17 House of Representatives; and

18 (5) the Committee on Energy and Commerce of
19 the House of Representatives.

20 (c) FORM OF REPORT.—The report required under
21 subsection (a) shall be submitted in unclassified form, but
22 may include a classified annex.

1 **SEC. 6. PROTECTING UNITED STATES CITIZENS AND OTH-**
2 **ERS FROM RENDITION TO MAINLAND CHINA.**

3 (a) FINDINGS.—Congress makes the following find-
4 ings:

5 (1) The proposed amendments to Hong Kong's
6 Fugitive Ordinance, if enacted—

7 (A) would allow rendition from Hong Kong
8 of residents or foreign nationals to countries—

9 (i) with criminal procedure systems
10 that lack strong protections for the rights
11 of defendants; or

12 (ii) in which the law is used as to re-
13 press internationally recognized human
14 rights, including to mainland China;

15 (B) would remove independent legislative
16 oversight and appropriate judicial review of ex-
17 tradition requests;

18 (C) may increase the influence of the Gov-
19 ernment of China in Hong Kong and further
20 erode the autonomy guaranteed Hong Kong by
21 the Joint Declaration; and

22 (D) would erode Hong Kong's reputation
23 as a center of commerce and freedom governed
24 by the rule of law.

25 (2) The Government of China has subjected
26 Chinese and foreign nationals, including citizens of

1 the United States, Canada, Australia, Sweden, and
2 Taiwan, to arbitrary detention, televised confessions,
3 denial of legal representation and medical treatment,
4 and other type of mistreatment.

5 (b) POLICY STATEMENTS.—It is the policy of the
6 United States—

7 (1) to ensure that United States citizens are
8 protected from rendition to mainland China;

9 (2) pursuant to section 103(7) of the United
10 States-Hong Kong Policy Act of 1992 (22 U.S.C.
11 5713(7)), to encourage United States businesses “to
12 continue to operate in Hong Kong in accordance
13 with applicable United States and Hong Kong law”;
14 and

15 (3) pursuant to section 201(b) of such Act (22
16 U.S.C. 5721(b)), to decide whether the Government
17 of Hong Kong is “legally competent to carry out its
18 obligations” under treaties and international agree-
19 ments established between the United States and
20 Hong Kong.

21 (c) RESPONSE TO THREAT OF RENDITION.—If the
22 proposed amendments to Hong Kong’s Fugitive Offenders
23 Ordinance are enacted, and the amended law allows ren-
24 ditions to countries that lack protection for the rights of
25 defendants—

1 (1) not later than 30 days after the date of the
2 enactment of such amendments, the President shall
3 submit a report to the appropriate congressional
4 committees that—

5 (A) assesses whether the Government of
6 Hong Kong is “legally competent” to admin-
7 ister the United States-Hong Kong Agreement
8 for the Surrender of Fugitive Offenders;

9 (B) determines whether any additional au-
10 thorities are needed to revise or withdraw from
11 that treaty to protect United States citizens
12 and national security and to support the guar-
13 anteed protections of the Joint Declaration; and

14 (C) includes a strategy for protecting
15 United States citizens from rendition to main-
16 land China from Hong Kong, including an as-
17 sessment of—

18 (i) whether additional resources are
19 needed for American Citizen Services at
20 the United States Consulate in Hong
21 Kong; and

22 (ii) whether the Department of State
23 will revise the travel advisory for Hong
24 Kong to reflect the potential impact of the
25 revised Fugitive Offenders Ordinance on

1 United States residents and individuals
 2 traveling to, or transiting through, Hong
 3 Kong; and

4 (2) if the Government of Hong Kong enacts a
 5 new law regarding national security, pursuant to Ar-
 6 ticle 23 of the Basic Law, the President and the
 7 Secretary of State shall take the actions required
 8 under paragraph (1) and any additional actions re-
 9 quired under section 202 of the United States-Hong
 10 Kong Policy Act of 1992 (U.S.C. 5722) unless Sec-
 11 retary of State certifies that—

12 (A) the new law does not violate the guar-
 13 antees of the Joint Declaration; and

14 (B) the internationally recognized human
 15 rights of Hong Kong citizens and foreign resi-
 16 dents will not be restricted as a result of the
 17 new law's implementation.

18 **SEC. 7. IDENTIFICATION OF PERSONS RESPONSIBLE FOR**
 19 **ABDUCTIONS AND FOR OTHER ACTIONS TO**
 20 **SUPPRESS BASIC FREEDOMS IN HONG KONG.**

21 (a) **IN GENERAL.**—Not later than 180 days after the
 22 date of the enactment of this Act, and annually thereafter
 23 in conjunction with the publication of the report required
 24 under section 301 of the Hong Kong Policy Act of 1992
 25 (22 U.S.C. 5731) the President shall submit, to the appro-

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s , a l i s t c o n t a i n i n g t h e
 2 n a m e o f e a c h p e r s o n w h o t h e P r e s i d e n t d e t e r m i n e s , b a s e d
 3 o n c r e d i b l e i n f o r m a t i o n , i s r e s p o n s i b l e f o r —

4 (1) t h e s u r v e i l l a n c e , a b d u c t i o n , d e t e n t i o n ,
 5 a b u s e , o r f o r c e d c o n f e s s i o n o f G u i M i n h a i , L e e B o ,
 6 L a m W i n g - k e e , L a i B o , o r C h e u n g C h i - p i n g , a l l o f
 7 w h o m a r e i n v o l v e d i n t h e o p e r a t i o n o f t h e M i g h t y
 8 C u r r e n t P u b l i s h i n g H o u s e b a s e d i n H o n g K o n g ,

9 (2) t h e s u r v e i l l a n c e , a b d u c t i o n , d e t e n t i o n ,
 10 a b u s e , o r f o r c e d c o n f e s s i o n o f G u o Z h o n g x i a o o r
 11 W a n g J i a n m i n , b o t h o f w h o m a r e i n v o l v e d i n t h e o p -
 12 e r a t i o n o f m a g a z i n e p u b l i c a t i o n s b a s e d i n H o n g
 13 K o n g , o r

14 (3) t h e r e n d i t i o n t o t h e m a i n l a n d o f t h e P e o -
 15 p l e ' s R e p u b l i c o f C h i n a o f a n y i n d i v i d u a l , o r t h e a r -
 16 b i t r a r y d e t e n t i o n , t o r t u r e , o r f o r c e d c o n f e s s i o n o f
 17 a n y i n d i v i d u a l a f t e r r e n d i t i o n , i n c o n n e c t i o n w i t h t h e
 18 e x e r c i s e b y t h a t i n d i v i d u a l o f i n t e r n a t i o n a l l y r e c o g -
 19 n i z e d h u m a n r i g h t s i n H o n g K o n g , i n c l u d i n g s u c h
 20 i n d i v i d u a l s e x t r a d i t e d t o t h e m a i n l a n d o f t h e P e o -
 21 p l e ' s R e p u b l i c o f C h i n a u n d e r a n y a m e n d e d f u g i t i v e
 22 o f f e n d e r s o r d i n a n c e i n H o n g K o n g .

23 (b) C O N S I D E R A T I O N O F C E R T A I N I N F O R M A T I O N . — I n
 24 p r e p a r i n g t h e l i s t r e q u i r e d u n d e r s u b s e c t i o n (a) , t h e P r e s i -
 25 d e n t s h a l l c o n s i d e r —

1 (1) information provided by the chairperson and
2 ranking member of each of the appropriate congress-
3 sional committees; and

4 (2) credible information obtained by other coun-
5 tries or nongovernmental organizations, including or-
6 ganizations inside China or Hong Kong, that mon-
7 itor the human rights abuses of the Government of
8 the China or its agents.

9 (c) REQUESTS BY CHAIRPERSON AND RANKING
10 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—

12 (1) IN GENERAL.—Not later than 120 days
13 after receiving a written request from the chair-
14 person and ranking member of 1 of the appropriate
15 congressional committees with respect to whether a
16 person meets the criteria for being added to the list
17 required under subsection (a), the President shall
18 submit a response to the chairperson and ranking
19 member of the committee that made the request
20 with respect to the status of the person.

21 (2) INFORMATION ABOUT REMOVAL DECI-
22 SIONS.—If the President removes from the list re-
23 quired under subsection (a) a person that was placed
24 on the list at the request of the chairperson and
25 ranking member of 1 of the appropriate congress-

1 sional committees, the President shall provide the
 2 chairperson and ranking member with any informa-
 3 tion that contributed to the decision to remove the
 4 person.

5 (3) FORM.—The President may submit a re-
 6 sponse required under paragraph (1) in classified
 7 form if the President determines that such classi-
 8 fication is vital to the national security interests of
 9 the United States.

10 **SEC. 8. INADMISSIBILITY OF CERTAIN ALIENS AND FAMILY**
 11 **MEMBERS.**

12 (a) IN GENERAL.—Section 212(a)(2) of the Immi-
 13 gration and Nationality Act (8 U.S.C. 1182(a)(2)) is
 14 amended by adding at the end the following:

15 “(J) CERTAIN ALIENS RESPONSIBLE FOR
 16 ABDUCTIONS OR EXTRADITIONS FROM HONG
 17 KONG.—Any alien included in the list submitted
 18 by the President under section 7(a) of the
 19 Hong Kong Human Rights and Democracy Act
 20 of 2019 is inadmissible.”.

21 (b) CURRENT VISAS REVOKED.—

22 (1) IN GENERAL.—The issuing consular officer,
 23 the Secretary of State, or the Secretary of Home-
 24 land Security (or a designee of either Secretary)
 25 shall revoke any visa or other entry documentation

1 issued to any alien who is included on the list re-
2 quired under section 7(a), regardless of when such
3 visa or entry documentation was issued.

4 (2) EFFECTIVE DATE.—Revocations under
5 paragraph (1) shall take effect on the date such ac-
6 tion is taken and shall automatically cancel any
7 other valid visa or entry documentation that is in
8 the alien's possession.

9 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

10 (1) IN GENERAL.—The Secretary of State may
11 waive, with respect to an alien, the application of
12 section 212(a)(2) of the Immigration and Nation-
13 ality Act, as amended by subsection (a), or the ap-
14 plication of subsection (b) if the Secretary—

15 (A) determines that such waiver—

16 (i) is necessary to permit the United
17 States to comply with the Agreement be-
18 tween the United Nations and the United
19 States of America regarding the Head-
20 quarters of the United Nations, signed
21 June 26, 1947, and entered into force No-
22 vember 21, 1947, or other applicable inter-
23 national obligations of the United States;
24 or

1 (ii) is vital to the national security in-
 2 terests of the United States; and

3 ~~(B) before granting such waiver, provides~~
 4 to the appropriate congressional committees no-
 5 tice of, and a justification for, the waiver.

6 ~~(2) TIMING FOR CERTAIN WAIVERS.—~~Notifica-
 7 tion under subparagraph ~~(B)~~ of paragraph ~~(1)~~ shall
 8 be made not later than 15 days before granting a
 9 waiver under such paragraph if the Secretary grants
 10 such waiver under subparagraph ~~(A)(ii)~~ of such
 11 paragraph.

12 ~~(d) REGULATORY AUTHORITY.—~~The Secretary of
 13 State shall prescribe such regulations as may be necessary
 14 to carry out this section.

15 **SEC. 9. FINANCIAL MEASURES.**

16 ~~(a) BLOCKING OF PROPERTY.—~~The President shall
 17 exercise all powers granted by the International Emer-
 18 gency Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-
 19 cept that the requirements of section 202 of such Act (50
 20 U.S.C. 1701) shall not apply) to the extent necessary to
 21 block and prohibit all transactions in all property and in-
 22 terests in property of a person on the list required under
 23 section 7(a) if such property and interests in property—

24 ~~(1) are in the United States;~~

25 ~~(2) come within the United States; or~~

1 (3) are or come within the possession or control
2 of a United States person.

3 (b) EXCEPTION FOR IMPORTATION OF GOODS.—

4 (1) IN GENERAL.—The requirement to impose
5 sanctions under subsection (a) shall not include the
6 authority to impose sanctions with respect to the im-
7 portation of goods.

8 (2) GOOD DEFINED.—In this subsection, the
9 term “good” means any article, natural or manmade
10 substance, material, supply or manufactured prod-
11 uct, including inspection and test equipment, and ex-
12 cluding technical data.

13 (c) WAIVER FOR NATIONAL SECURITY INTERESTS.—

14 The President may waive the application of subsection (a)
15 if the President—

16 (1) determines that such waiver is vital for the
17 national security interests of the United States; and

18 (2) not later than 15 days before granting the
19 waiver, submits to the appropriate congressional
20 committees notice of, and a justification for, the
21 waiver.

22 (d) ENFORCEMENT.—

23 (1) PENALTIES.—Any person that violates, at-
24 tempts to violate, conspires to violate, or causes a
25 violation of subsection (a) or any regulation, license,

1 or order issued to carry out that subsection shall be
2 subject to the penalties set forth in subsections (b)
3 and (c) of section 206 of the International Emer-
4 gency Economic Powers Act (50 U.S.C. 1705) to the
5 same extent as a person that commits an unlawful
6 act described in subsection (a) of such section.

7 (2) REQUIREMENTS FOR FINANCIAL INSTITU-
8 TIONS.—Not later than 120 days after the date of
9 the enactment of this Act, the Secretary of the
10 Treasury shall prescribe or amend regulations to the
11 extent necessary to require each financial institution
12 that is a United States person and has within its
13 possession or control assets that are property or in-
14 terests in property of a person on the list required
15 under section 7(a) to certify to the Secretary that,
16 to the best of the knowledge of the financial institu-
17 tion, the financial institution has blocked all assets
18 within the possession or control of the financial in-
19 stitution in accordance with subsection (a).

20 (3) NOTIFICATION TO CONGRESS.—Not later
21 than 10 days before prescribing or revising regula-
22 tions under paragraph (2), the President shall notify
23 the appropriate congressional committees of the pro-
24 posed regulations and the provisions of this Act or

1 amendments made by this Act that the regulations
2 are implementing.

3 (c) RULEMAKING.—The Secretary of the Treasury
4 shall issue such regulations, licenses, and orders as may
5 be necessary to carry out this section.

6 **SEC. 10. REPORTS TO CONGRESS.**

7 (a) IN GENERAL.—The President shall submit a re-
8 port to the appropriate congressional committees that in-
9 cludes—

10 (1) a list of each foreign person with respect to
11 which the President imposed sanctions pursuant to
12 section 8 or 9 during the 1-year period preceding the
13 submission of the report;

14 (2) a description of the type of sanctions im-
15 posed with respect to each such person;

16 (3) the number of foreign persons with respect
17 to which the President—

18 (A) imposed sanctions under section 8 or
19 9 during that year; and

20 (B) terminated sanctions under section 8
21 or 9 during that year;

22 (4) the dates on which such sanctions were im-
23 posed or terminated; and

24 (5) the reasons for imposing or terminating
25 such sanctions.

1 (b) DATES FOR SUBMISSION.—

2 (1) INITIAL REPORT.—The President shall sub-
3 mit the initial report under subsection (a) not later
4 than 1 year after the date of the enactment of this
5 Act.

6 (2) SUBSEQUENT REPORTS.—

7 (A) IN GENERAL.—The President shall
8 submit a report under subsection (a) on Decem-
9 ber 10, or the first day thereafter on which
10 both Houses of Congress are in session, of—

11 (i) the calendar year in which the ini-
12 tial report is submitted if the initial report
13 is submitted before December 10 of that
14 calendar year; and

15 (ii) each calendar year thereafter.

16 (c) FORM OF REPORT.—

17 (1) IN GENERAL.—Each report required under
18 subsection (a) shall be submitted in unclassified
19 form, but may include a classified annex.

20 (2) EXCEPTION.—The name of a foreign person
21 to be included in the list required under subsection
22 (a)(1) may not be included in the classified annex
23 authorized under paragraph (1) unless the Presi-
24 dent—

1 (A) determines that such inclusion is vital
2 to the national security interests of the United
3 States;

4 (B) uses the annex in a manner consistent
5 with congressional intent and the purposes of
6 this Act; and

7 (C) not later than 15 days before including
8 such name in the classified annex, provides to
9 the appropriate congressional committees notice
10 of, and a justification for, including the name
11 in the classified annex despite any publicly
12 available credible information indicating that
13 the person engaged in an activity described in
14 section 8 or 9.

15 (d) PUBLIC AVAILABILITY.—

16 (1) IN GENERAL.—The unclassified portion of
17 the report required under subsection (a) shall be
18 made available to the public, including through pub-
19 lication in the Federal Register.

20 (2) NONAPPLICABILITY OF CONFIDENTIALITY
21 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

22 The President shall publish the list required under
23 subsection (a)(1) without regard to the requirements
24 under section 222(f) of the Immigration and Nation-
25 ality Act (8 U.S.C. 1202(f)) with respect to con-

1 confidentiality of records pertaining to the issuance or
 2 refusal of visas or permits to enter the United
 3 States.

4 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) *SHORT TITLE.*—*This Act may be cited as the*
 6 *“Hong Kong Human Rights and Democracy Act of 2019”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Statement of policy.

Sec. 4. Amendments to the United States-Hong Kong Policy Act of 1992.

*Sec. 5. Annual report on violations of United States export control laws and
 United Nations sanctions occurring in Hong Kong.*

*Sec. 6. Protecting United States citizens and others from rendition to the People’s
 Republic of China.*

*Sec. 7. Sanctions relating to undermining fundamental freedoms and autonomy
 in Hong Kong.*

Sec. 8. Sanctions reports.

Sec. 9. Sense of Congress on People’s Republic of China state-controlled media.

*Sec. 10. Sense of Congress on commercial exports of crowd control equipment to
 Hong Kong.*

9 **SEC. 2. DEFINITIONS.**

10 *In this Act:*

11 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 12 *TEES.*—*The term “appropriate congressional commit-*
 13 *tees” means—*

14 (A) *the Committee on Foreign Relations of*
 15 *the Senate;*

16 (B) *the Committee on Armed Services of the*
 17 *Senate;*

18 (C) *the Committee on Banking, Housing,*
 19 *and Urban Affairs of the Senate;*

1 (D) *the Committee on Homeland Security*
2 *and Governmental Affairs of the Senate;*

3 (E) *the Committee on the Judiciary of the*
4 *Senate;*

5 (F) *the Committee on Foreign Affairs of the*
6 *House of Representatives;*

7 (G) *the Committee on Armed Services of the*
8 *House of Representatives;*

9 (H) *the Committee on Financial Services of*
10 *the House of Representatives;*

11 (I) *the Committee on Homeland Security of*
12 *the House of Representatives; and*

13 (J) *the Committee on the Judiciary of the*
14 *House of Representatives.*

15 (2) *SOCIAL CREDIT SYSTEM.—The term “social*
16 *credit system” means a system proposed by the Gov-*
17 *ernment of the People’s Republic of China and sched-*
18 *uled for implementation by 2020, which would—*

19 (A) *use existing financial credit systems,*
20 *public records, online activity, and other tools of*
21 *surveillance to aggregate data on every Chinese*
22 *citizen and business; and*

23 (B) *use such data to monitor, shape, and*
24 *rate certain financial, social, religious, or polit-*
25 *ical behaviors.*

1 (3) *UNITED STATES PERSON.*—*The term “United*
2 *States person” means—*

3 (A) *a United States citizen;*

4 (B) *a lawfully admitted permanent resident*
5 *of the United States; or*

6 (C) *an entity organized under the laws of—*

7 (i) *the United States; or*

8 (ii) *any jurisdiction within the United*
9 *States, including a foreign branch of such*
10 *an entity.*

11 **SEC. 3. STATEMENT OF POLICY.**

12 *It is the policy of the United States—*

13 (1) *to reaffirm the principles and objectives set*
14 *forth in the United States-Hong Kong Policy Act of*
15 *1992 (Public Law 102–383), namely that—*

16 (A) *the United States has “a strong interest*
17 *in the continued vitality, prosperity, and sta-*
18 *bility of Hong Kong”;*

19 (B) *“[s]upport for democratization is a fun-*
20 *damental principle of United States foreign pol-*
21 *icy” and therefore “naturally applies to United*
22 *States policy toward Hong Kong”;*

23 (C) *“the human rights of the people of Hong*
24 *Kong are of great importance to the United*
25 *States and are directly relevant to United States*

1 *interests in Hong Kong [and] serve as a basis for*
2 *Hong Kong’s continued economic prosperity”;*
3 *and*

4 *(D) Hong Kong must remain sufficiently*
5 *autonomous from the People’s Republic of China*
6 *to “justify treatment under a particular law of*
7 *the United States, or any provision thereof, dif-*
8 *ferent from that accorded the People’s Republic*
9 *of China”;*

10 *(2) to support the high degree of autonomy and*
11 *fundamental rights and freedoms of the people of*
12 *Hong Kong, as enumerated by—*

13 *(A) the Joint Declaration of the Govern-*
14 *ment of the United Kingdom of Great Britain*
15 *and Northern Ireland and the Government of the*
16 *People’s Republic of China on the Question of*
17 *Hong Kong, done at Beijing December 19, 1984*
18 *(referred to in this Act as the “Joint Declara-*
19 *tion”);*

20 *(B) the International Covenant on Civil*
21 *and Political Rights, done at New York Decem-*
22 *ber 19, 1966; and*

23 *(C) the Universal Declaration of Human*
24 *Rights, done at Paris December 10, 1948;*

1 (3) to support the democratic aspirations of the
2 people of Hong Kong, including the “ultimate aim”
3 of the selection of the Chief Executive and all members
4 of the Legislative Council by universal suffrage, as ar-
5 ticulated in the Basic Law of the Hong Kong Special
6 Administrative Region of the People’s Republic of
7 China (referred to in this Act as the “Basic Law”);

8 (4) to urge the Government of the People’s Re-
9 public of China to uphold its commitments to Hong
10 Kong, including allowing the people of Hong Kong to
11 govern Hong Kong with a high degree of autonomy
12 and without undue interference, and ensuring that
13 Hong Kong voters freely enjoy the right to elect the
14 Chief Executive and all members of the Hong Kong
15 Legislative Council by universal suffrage;

16 (5) to support the establishment of a genuine
17 democratic option to freely and fairly nominate and
18 elect the Chief Executive of Hong Kong, and the estab-
19 lishment by 2020 of open and direct democratic elec-
20 tions for all members of the Hong Kong Legislative
21 Council;

22 (6) to support the robust exercise by residents of
23 Hong Kong of the rights to free speech, the press, and
24 other fundamental freedoms, as provided by the Basic

1 *Law, the Joint Declaration, and the International*
2 *Covenant on Civil and Political Rights;*

3 (7) *to support freedom from arbitrary or unlaw-*
4 *ful arrest, detention, or imprisonment for all Hong*
5 *Kong residents, as provided by the Basic Law, the*
6 *Joint Declaration, and the International Covenant on*
7 *Civil and Political Rights;*

8 (8) *to draw international attention to any viola-*
9 *tions by the Government of the People's Republic of*
10 *China of the fundamental rights of the people of Hong*
11 *Kong, as provided by the International Covenant on*
12 *Civil and Political Rights, and any encroachment*
13 *upon the autonomy guaranteed to Hong Kong by the*
14 *Basic Law and the Joint Declaration;*

15 (9) *to protect United States citizens and long-*
16 *term permanent residents living in Hong Kong, as*
17 *well as people visiting and transiting through Hong*
18 *Kong;*

19 (10) *to maintain the economic and cultural ties*
20 *that provide significant benefits to both the United*
21 *States and Hong Kong; and*

22 (11) *to coordinate with allies, including the*
23 *United Kingdom, Australia, Canada, Japan, and the*
24 *Republic of Korea, to promote democracy and human*
25 *rights in Hong Kong.*

1 **SEC. 4. AMENDMENTS TO THE UNITED STATES-HONG KONG**
 2 **POLICY ACT OF 1992.**

3 (a) *REPORT.*—*Title II of the United States-Hong*
 4 *Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.) is amend-*
 5 *ed—*

6 (1) *in section 201(b), by striking “such date”*
 7 *each place such term appears and inserting “the date*
 8 *of the enactment of the Hong Kong Human Rights*
 9 *and Democracy Act of 2019”;* and

10 (2) *adding at the end the following:*

11 **“SEC. 205. SECRETARY OF STATE REPORT REGARDING THE**
 12 **AUTONOMY OF HONG KONG.**

13 *“(a) CERTIFICATION.—*

14 *“(1) IN GENERAL.—Except as provided in sub-*
 15 *section (b), the Secretary of State, on at least an an-*
 16 *nuual basis, and in conjunction with the report re-*
 17 *quired under section 301, shall issue a certification to*
 18 *Congress that—*

19 *“(A) indicates whether Hong Kong con-*
 20 *tinues to warrant treatment under United States*
 21 *law in the same manner as United States laws*
 22 *were applied to Hong Kong before July 1, 1997;*

23 *“(B) addresses—*

24 *“(i) commercial agreements;*

25 *“(ii) law enforcement cooperation, in-*
 26 *cluding extradition requests;*

1 “(iii) sanctions enforcement;

2 “(iv) export controls, and any other
3 agreements and forms of exchange involving
4 dual use, critical, or other sensitive tech-
5 nologies;

6 “(v) any formal treaties or agreements
7 between the United States and Hong Kong;

8 “(vi) other areas of bilateral coopera-
9 tion that the Secretary determines to be rel-
10 evant; and

11 “(vii) decision-making within the Gov-
12 ernment of Hong Kong, including executive,
13 legislative, and judicial structures, includ-
14 ing—

15 “(I) freedom of assembly;

16 “(II) freedom of speech;

17 “(III) freedom of expression; and

18 “(IV) freedom of the press, includ-
19 ing the Internet and social media;

20 “(viii) universal suffrage, including the
21 ultimate aim of the selection of the Chief
22 Executive and all members of the Legisla-
23 tive Council by universal suffrage;

24 “(ix) judicial independence;

25 “(x) police and security functions;

1 “(xi) education;

2 “(xii) laws or regulations regarding
3 *treason, secession, sedition, subversion*
4 *against the Central People’s Government of*
5 *the People’s Republic of China, or theft of*
6 *state secrets;*

7 “(xiii) laws or regulations regarding
8 *foreign political organizations or bodies;*

9 “(xiv) laws or regulations regarding
10 *political organizations; and*

11 “(xv) other rights enumerated in the
12 *Universal Declaration of Human Rights,*
13 *done at Paris December 10, 1948, and the*
14 *International Covenant on Civil and Polit-*
15 *ical Rights, done at New York December 19,*
16 *1966; and*

17 “(C) includes—

18 “(i) an assessment of the degree of any
19 *erosions to Hong Kong’s autonomy in each*
20 *category listed in subparagraph (B) result-*
21 *ing from actions by the Government of the*
22 *People’s Republic of China that are incon-*
23 *sistent with its commitments under the*
24 *Basic Law or the Joint Declaration;*

1 “(ii) an evaluation of the specific im-
2 pacts to any areas of cooperation between
3 the United States and Hong Kong resulting
4 from erosions of autonomy in Hong Kong
5 or failures of the Government of Hong Kong
6 to fulfill obligations to the United States
7 under international agreements within the
8 categories listed in subparagraph (B); and

9 “(iii) a list of any specific actions
10 taken by the United States Government in
11 response to any erosion of autonomy or fail-
12 ures to fulfill obligations to the United
13 States under international agreements iden-
14 tified in this certification and the report re-
15 quired under section 301.

16 “(2) *FACTOR FOR CONSIDERATION.*—In making
17 each certification under paragraph (1), the Secretary
18 of State should consider the terms, obligations, and
19 expectations expressed in the Joint Declaration with
20 respect to Hong Kong.

21 “(3) *ADDITIONAL CERTIFICATIONS.*—The certifi-
22 cation under section (1) shall be issued annually, but
23 the Secretary may issue additional certifications at
24 any time if the Secretary determines it is warranted
25 by circumstances in Hong Kong.

1 “(b) *WAIVER AUTHORITY.*—

2 “(1) *IN GENERAL.*—*The Secretary of State may*
3 *waive the application of subsection (a) if—*

4 “(A) *the Secretary determines that such a*
5 *waiver is in the national security interests of the*
6 *United States; and*

7 “(B) *on or before the date on which the*
8 *waiver takes effect, the Secretary notifies the*
9 *Committee on Foreign Relations of the Senate*
10 *and the Committee on Foreign Affairs of the*
11 *House of Representatives of the intent to waive*
12 *such subsection;*

13 “(2) *PARTIAL WAIVER.*—*Except for the list of ac-*
14 *tions described in subsection (a)(1)(C)(iii), the Sec-*
15 *retary of State may waive relevant parts of the appli-*
16 *cation of subsection (a) if the President issues an Ex-*
17 *ecutive order under section 202 that suspends the ap-*
18 *plication of any particular United States law to*
19 *Hong Kong.”.*

20 “(b) *VISA APPLICANTS.*—*Title II of the United States-*
21 *Hong Kong Policy Act of 1992 (22 U.S.C. 5721 et seq.),*
22 *as amended by subsection (a), is further amended by adding*
23 *at the end the following:*

1 **“SEC. 206. TREATMENT OF HONG KONG APPLICANTS FOR**
2 **VISAS TO STUDY OR WORK IN THE UNITED**
3 **STATES.**

4 “(a) *VISA ELIGIBILITY FOR CERTAIN HONG KONG*
5 *STUDENTS.*—*Notwithstanding any other provision of law,*
6 *applications for visas to enter, study, or work in the United*
7 *States, which are submitted by otherwise qualified appli-*
8 *cants who resided in Hong Kong in 2014 and later, may*
9 *not be denied primarily on the basis of the applicant’s sub-*
10 *jection to politically-motivated arrest, detention, or other*
11 *adverse government action.*

12 “(b) *IMPLEMENTATION.*—*The Secretary of State shall*
13 *take such steps as may be necessary to ensure that consular*
14 *officers are aware of the policy described in subsection (a)*
15 *and receive appropriate training and support to ensure*
16 *that the policy is carried out so that affected individuals*
17 *do not face discrimination or unnecessary delay in the*
18 *processing of their visa applications, including—*

19 “(1) *providing specialized training for all con-*
20 *sular officers posted to the United States Embassy in*
21 *Beijing or to any United States consulate in the Peo-*
22 *ple’s Republic of China, the Hong Kong Special Ad-*
23 *ministrative Region, or the Macau Special Adminis-*
24 *trative Region;*

25 “(2) *instructing the United States Consulate in*
26 *Hong Kong to maintain an active list of individuals*

1 *who are known to have been formally charged, de-*
2 *tained, or convicted by the Government of Hong Kong*
3 *Special Administrative Region or by the Government*
4 *of the People’s Republic of China, or intermediaries*
5 *of such governments, based on politically-motivated*
6 *considerations related to their exercise of rights enu-*
7 *merated in the Universal Declaration of Human*
8 *Rights, done at Paris December 10, 1948, or the*
9 *International Covenant on Civil and Political Rights,*
10 *done at New York December 19, 1966, to facilitate the*
11 *cross-checking of visa applications for Hong Kong*
12 *residents; and*

13 *“(3) updating any relevant United States Gov-*
14 *ernment websites with information on the policy de-*
15 *scribed in subsection (a).*

16 *“(c) COOPERATION WITH LIKE-MINDED COUNTRIES.—*
17 *The Secretary of State shall contact appropriate representa-*
18 *tives of other democratic countries, particularly those who*
19 *receive a large number of applicants for student and em-*
20 *ployment visas from Hong Kong—*

21 *“(1) to inform them of the United States policy*
22 *regarding arrests for participation in nonviolent pro-*
23 *tests in Hong Kong; and*

24 *“(2) to encourage them to take similar steps to*
25 *ensure the rights of nonviolent protesters are protected*

1 *from discrimination due to the actions of the Govern-*
2 *ment of Hong Kong and of the Government of the*
3 *People's Republic of China."*

4 **SEC. 5. ANNUAL REPORT ON VIOLATIONS OF UNITED**
5 **STATES EXPORT CONTROL LAWS AND UNITED**
6 **NATIONS SANCTIONS OCCURRING IN HONG**
7 **KONG.**

8 *(a) IN GENERAL.—Not later than 180 days after the*
9 *date of the enactment of this Act, and annually thereafter*
10 *until the date that is 7 years after the date of the enactment*
11 *of this Act, the Secretary of Commerce, in consultation with*
12 *the Secretary of the Treasury and the Secretary of State,*
13 *shall submit a report to the committees specified in sub-*
14 *section (b) that includes—*

15 *(1) an assessment of the nature and extent of*
16 *violations of United States export control and sanc-*
17 *tions laws occurring in Hong Kong;*

18 *(2) to the extent possible, the identification of—*

19 *(A) any items that were reexported from*
20 *Hong Kong in violation of the laws referred to*
21 *in paragraph (1);*

22 *(B) the countries and persons to which the*
23 *items referred to in subparagraph (A) were reex-*
24 *ported; and*

25 *(C) how such items were used;*

1 (3) *an assessment of whether sensitive dual-use*
2 *items subject to the export control laws of the United*
3 *States are being—*

4 (A) *transshipped through Hong Kong; and*

5 (B) *used to develop—*

6 (i) *the Sharp Eyes, Skynet, Integrated*
7 *Joint Operations Platform, or other systems*
8 *of mass surveillance and predictive policing;*

9 *or*

10 (ii) *the “social credit system” of the*
11 *People’s Republic of China;*

12 (4) *an assessment of the efforts by the Govern-*
13 *ment of the People’s Republic of China to use the sta-*
14 *tus of Hong Kong as a separate customs territory to*
15 *import items into the People’s Republic of China from*
16 *Hong Kong in violation of the export control laws of*
17 *the United States, whether as part of the Greater Bay*
18 *Area plan, through the assignment by Beijing of*
19 *Hong Kong as a national technology and innovation*
20 *center, or through other programs that may exploit*
21 *Hong Kong as a conduit for controlled sensitive tech-*
22 *nology;*

23 (5) *an assessment of whether the Government of*
24 *Hong Kong has adequately enforced sanctions im-*
25 *posed by the United Nations;*

1 (6) *a description of the types of goods and serv-*
2 *ices transshipped or reexported through Hong Kong*
3 *in violation of such sanctions to—*

4 (A) *North Korea or Iran; or*

5 (B) *other countries, regimes, or persons sub-*
6 *ject to such sanctions for engaging in activi-*
7 *ties—*

8 (i) *relating to international terrorism,*
9 *international narcotics trafficking, or the*
10 *proliferation of weapons of mass destruc-*
11 *tion; or*

12 (ii) *that otherwise present a threat to*
13 *the national security, foreign policy, or*
14 *economy of the United States; and*

15 (7) *an assessment of whether shortcomings in the*
16 *enforcement of export controls or sanctions by the*
17 *Government of Hong Kong necessitates the assignment*
18 *of additional Department of the Treasury, Depart-*
19 *ment of Commerce, or Department of State personnel*
20 *to the United States Consulate in Hong Kong.*

21 (b) *COMMITTEES SPECIFIED.—The committees speci-*
22 *fied in this subsection are—*

23 (1) *the Committee on Foreign Relations of the*
24 *Senate;*

1 5713(7)), to encourage United States businesses “to
2 continue to operate in Hong Kong, in accordance
3 with applicable United States and Hong Kong law”;
4 and

5 (4) pursuant to section 201(b) of such Act (22
6 U.S.C. 5721(b)), to evaluate, not less frequently than
7 annually and as circumstances, dictate whether the
8 Government of Hong Kong is “legally competent to
9 carry out its obligations” under treaties and inter-
10 national agreements established between the United
11 States and Hong Kong.

12 (b) *RESPONSE TO THREAT OF RENDITION.*—Not later
13 than 30 days after the President determines that legislation
14 proposed or enacted by the Government of Hong Kong
15 would put United States citizens at risk of extradition or
16 rendition to the People’s Republic of China or to other coun-
17 tries that lack protections for the rights of defendants, the
18 President shall submit a report to the appropriate congres-
19 sional committees that—

20 (1) contains a strategy for protecting United
21 States citizens and businesses in Hong Kong;

22 (2) assesses the potential risks of the legislation
23 to United States citizens residing in, traveling to, or
24 transiting through Hong Kong; and

25 (3) determines whether—

1 (A) *additional resources are needed for*
 2 *American Citizen Services at the United States*
 3 *Consulate in Hong Kong; and*

4 (B) *the Government of Hong Kong is “le-*
 5 *gally competent” to administer the United*
 6 *States-Hong Kong Agreement for the Surrender*
 7 *of Fugitive Offenders, done at Hong Kong De-*
 8 *cember 20, 1996, or other relevant law enforce-*
 9 *ment agreements between the United States and*
 10 *Hong Kong.*

11 **SEC. 7. SANCTIONS RELATING TO UNDERMINING FUNDA-**
 12 **MENTAL FREEDOMS AND AUTONOMY IN**
 13 **HONG KONG.**

14 (a) *IDENTIFICATION OF PERSONS RESPONSIBLE FOR*
 15 *UNDERMINING FUNDAMENTAL FREEDOMS AND AUTONOMY*
 16 *IN HONG KONG.—*

17 (1) *IN GENERAL.—The President shall submit a*
 18 *report to the appropriate congressional committees, in*
 19 *accordance with paragraph (2), that identifies each*
 20 *foreign person that the President determines, based on*
 21 *credible information, is responsible for—*

22 (A) *the extrajudicial rendition, arbitrary*
 23 *detention, torture, or forced confession of any*
 24 *person in Hong Kong; or*

1 (B) other gross violations of internationally
2 recognized human rights in Hong Kong.

3 (2) *TIMING OF REPORTS.*—The President shall
4 submit to the appropriate congressional committees—

5 (A) the report required under paragraph
6 (1)—

7 (i) not later than 180 days after the
8 date of the enactment of this Act; and

9 (ii) not less frequently than annually
10 thereafter in conjunction with the publica-
11 tion of the report required under section 301
12 of the United States-Hong Kong Policy Act
13 of 1992 (22 U.S.C. 5731); and

14 (B) an update to the report not later than
15 15 days after any new action is taken under sub-
16 section (b) based on the discovery of new credible
17 information described in paragraph (1).

18 (3) *CONSIDERATION OF CERTAIN INFORMA-*
19 *TION.*—In preparing the report required under para-
20 graph (1), the President shall consider—

21 (A) information provided jointly by the
22 chairperson and ranking member of each of the
23 appropriate congressional committees; and

24 (B) credible information obtained by other
25 countries or reputable nongovernmental organi-

1 *zations that monitor violations of human rights*
2 *abuses.*

3 (4) *FORM.*—*The report required under para-*
4 *graph (1) shall be submitted in unclassified form, but*
5 *may include a classified annex.*

6 (b) *IMPOSITION OF SANCTIONS.*—*The President shall*
7 *impose the sanctions described in subsection (c) with respect*
8 *to each foreign person identified in the report required*
9 *under subsection (a)(1).*

10 (c) *SANCTIONS DESCRIBED.*—*The sanctions described*
11 *in this subsection are the following:*

12 (1) *ASSET BLOCKING.*—*The President shall exer-*
13 *cise all of the powers granted to the President under*
14 *the International Emergency Economic Powers Act*
15 *(50 U.S.C. 1701 et seq.) to the extent necessary to*
16 *block and prohibit all transactions in property and*
17 *interests in property of a foreign person identified in*
18 *the report required under subsection (a)(1) if such*
19 *property and interests in property are in the United*
20 *States, come within the United States, or come within*
21 *the possession or control of a United States person.*

22 (2) *INELIGIBILITY FOR VISAS, ADMISSION, OR PA-*
23 *ROLE.*—

24 (A) *VISAS, ADMISSION, OR PAROLE.*—*An*
25 *alien described in subsection (a)(1) is—*

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) *CURRENT VISAS REVOKED.*—

11 (i) *IN GENERAL.*—An alien described

12 in subsection (a)(1) is subject to revocation

13 of any visa or other entry documentation

14 regardless of when the visa or other entry

15 documentation is or was issued.

16 (ii) *IMMEDIATE EFFECT.*—A revoca-

17 tion under clause (i) shall—

18 (I) take effect immediately; and

19 (II) automatically cancel any

20 other valid visa or entry documenta-

21 tion that is in the alien's possession.

22 (C) *EXCEPTION TO COMPLY WITH INTER-*

23 *NATIONAL OBLIGATIONS.*—Sanctions under this

24 paragraph shall not apply with respect to an

25 alien if admitting or paroling the alien into the

1 *United States is necessary to permit the United*
2 *States to comply with the Agreement regarding*
3 *the Headquarters of the United Nations, signed*
4 *at Lake Success June 26, 1947, and entered into*
5 *force November 21, 1947, between the United Na-*
6 *tions and the United States, or other applicable*
7 *international obligations.*

8 (3) *PENALTIES.*—*The penalties provided for in*
9 *subsections (b) and (c) of section 206 of the Inter-*
10 *national Emergency Economic Powers Act (50 U.S.C.*
11 *1705) shall apply to a foreign person that violates, at-*
12 *tempts to violate, conspires to violate, or causes a vio-*
13 *lation of paragraph (1) to the same extent that such*
14 *penalties apply to a person that commits an unlawful*
15 *act described in subsection (a) of such section 206.*

16 (d) *IMPLEMENTATION.*—*The President may exercise*
17 *all authorities provided under sections 203 and 205 of the*
18 *International Emergency Economic Powers Act (50 U.S.C.*
19 *1702 and 1704) to carry out this section.*

20 (e) *WAIVER.*—*The President may waive the applica-*
21 *tion of sanctions under this section with respect to a person*
22 *identified in the report required under subsection (a)(1) if*
23 *the President determines and certifies to the appropriate*
24 *congressional committees that such a waiver is in the na-*
25 *tional interest of the United States.*

1 (f) *EXCEPTION RELATING TO IMPORTATION OF*
2 *GOODS.—*

3 (1) *IN GENERAL.—The authorities and require-*
4 *ments to impose sanctions authorized under this sec-*
5 *tion shall not include the authority or a requirement*
6 *to impose sanctions on the importation of goods.*

7 (2) *GOOD DEFINED.—In this subsection, the term*
8 *“good” means any article, natural or manmade sub-*
9 *stance, material, supply, or manufactured product,*
10 *including inspection and test equipment, and exclud-*
11 *ing technical data.*

12 (g) *TERMINATION OF SANCTIONS.—The President may*
13 *terminate the application of sanctions under this section*
14 *with respect to a person if the President determines and*
15 *reports to the appropriate congressional committees not less*
16 *than 15 days before the termination takes effect that—*

17 (1) *credible information exists that the person*
18 *did not engage in the activity for which sanctions*
19 *were imposed;*

20 (2) *the person has been prosecuted appropriately*
21 *for the activity for which sanctions were imposed;*

22 (3) *the person has credibly demonstrated a sig-*
23 *nificant change in behavior, has paid an appropriate*
24 *consequence for the activity for which sanctions were*
25 *imposed, and has credibly committed to not engage in*

1 *an activity described in subsection (a)(1) in the fu-*
2 *ture; or*

3 *(4) the termination of the sanctions is in the na-*
4 *tional security interests of the United States.*

5 *(h) DEFINITIONS.—In this section:*

6 *(1) ADMISSION; ADMITTED; ALIEN.—The terms*
7 *“admission”, “admitted”, and “alien” have the mean-*
8 *ings given those terms in section 101 of the Immigra-*
9 *tion and Nationality Act (8 U.S.C. 1101).*

10 *(2) FOREIGN PERSON.—The term “foreign per-*
11 *son” means a person that is not a United States per-*
12 *son.*

13 **SEC. 8. SANCTIONS REPORTS.**

14 *(a) IN GENERAL.—In accordance with section 7, the*
15 *President shall submit, to the appropriate congressional*
16 *committees, a report that includes—*

17 *(1) a list of each foreign person with respect to*
18 *which the President imposed sanctions during the*
19 *year preceding the submission of the report;*

20 *(2) a description of the type of sanctions imposed*
21 *with respect to each such person;*

22 *(3) the number of foreign persons with respect to*
23 *which the President terminated sanctions under sec-*
24 *tion 7 during that year;*

1 *lomatic personnel of the United States and other na-*
2 *tions, and their families by media organizations con-*
3 *trolled by the Government of the People's Republic of*
4 *China, including Wen Wei Po and Ta Kung Po;*

5 *(2) the Secretary of State should clearly inform*
6 *the Government of the People's Republic of China that*
7 *the use of media outlets to spread disinformation or*
8 *to intimidate and threaten its perceived enemies in*
9 *Hong Kong or in other countries is unacceptable; and*

10 *(3) the Secretary of State should take any activi-*
11 *ties described in paragraph (1) or (2) into consider-*
12 *ation when granting visas for travel and work in the*
13 *United States to journalists from the People's Repub-*
14 *lic of China who are affiliated with any such media*
15 *organizations.*

16 **SEC. 10. SENSE OF CONGRESS ON COMMERCIAL EXPORTS**
17 **OF CROWD CONTROL EQUIPMENT TO HONG**
18 **KONG.**

19 *It is sense of Congress that the Department of Com-*
20 *merce, in conjunction with other relevant Federal depart-*
21 *ments and agencies, should consider appropriate adjust-*
22 *ments to the current United States export controls with re-*
23 *spect to Hong Kong to prevent the supply of crowd control*
24 *and surveillance equipment that could be used inappropri-*
25 *ately in Hong Kong.*

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S. 1838

A BILL

To amend the Hong Kong Policy Act of 1992, and
for other purposes.

SEPTEMBER 26, 2019

Reported with an amendment